

The Gazette of India



EXTRAORDINARY

PART II—Section 3—Sub-section (i)

PUBLISHED BY AUTHORITY

No. 45] NEW DELHI, THURSDAY, MARCH 26, 1959/CHAITRA 5, 1881

MINISTRY OF HOME AFFAIRS

ORDER

New Delhi, the 23rd March 1959

G.S.R. 367.—In exercise of the powers conferred by sub-section (1) of section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), the Central Government, after consulting the Governments of the States of Bombay, Mysore and Rajasthan, approves with certain modifications, the scheme forwarded by the Government of Bombay relating to the reconstitution and reorganisation of the Khar Lands Development Board, a corporation constituted under the Bombay Khar Lands Act, 1918 (Bom. Act LXXII of 1918) and functioning in parts of the States of Bombay and Mysore, and for the purpose of giving effect to the scheme so approved, the Central Government hereby makes the following Order, namely:—

1. Short title.—This Order may be called the Bombay Khar Lands Development Board (Reconstitution) Order, 1959.

2. Definitions.—In this Order, unless the context otherwise requires,—

- (a) "Abu area" means the Abu Road taluka of Banaskantha district transferred from the former State of Bombay to the new State of Rajasthan;
- (b) "Act" means the Bombay Khar Lands Act, 1948 (Bom. Act LXXII of 1948);
- (c) "appointed day" means the 1st day of April, 1959.
- (d) "Bombay area" means the territories which immediately before the 1st day of November, 1956, were comprised in the State of Bombay, excluding the Karnatak area and the Abu area;
- (e) "existing Board" means the Khar Lands Development Board established under the Act and functioning and operating immediately before the appointed day in those areas of the States of Bombay and Mysore to which the Act extends;
- (f) "Karnatak area" means the Bijapur, Dharwar and Kanara districts, and the Belgaum district except the Chandgad taluka transferred from the former State of Bombay to the new State of Mysore.

3. Exclusion of certain areas from the operation of the existing Board and creation of new Board for Karnatak area.—As from the appointed day,—

- (a) the existing Board shall cease to function and operate in the Karnatak area and shall be deemed to have been established for the Bombay area; and
- (b) a new Board shall be established for the Karnatak area.

4. Division of the existing Board's fund.—The balance standing to the credit of the fund of the existing Board on the 1st day of November, 1956, shall be apportioned between the existing Board and the new Board for the Karnataka area in such proportion as may be agreed upon by the State Governments of Bombay and Mysore, or failing such agreement, in such proportion as may be decided by the Central Government.

5. Adjustment of advances made by the Government of Bombay and dues recoverable under the Act.—(1) The advances made by the Government of Bombay and standing to the credit of the existing Board shall, with effect from the appointed day, stand reduced by an amount equal to the amount of dues recoverable under the Act by the existing Board immediately before that date in respect of the Karnataka area. The advance so reduced shall, as from the appointed day, be deemed to be an advance made by the Government of Bombay to the existing Board.

(2) As from the appointed day, an advance equal to the aforesaid amount of dues recoverable under the Act in respect of the Karnataka area shall be deemed to have been made by the Government of Mysore to the new Board constituted for the Karnataka area.

(3) If the amount recoverable by the existing Board in respect of the Karnataka area as on the 31st day of October, 1956 is less than the amount recoverable in respect of the said area immediately before the appointed day, the difference shall be payable by the Government of Mysore to the Government of Bombay; and if it be more, the difference shall be payable by the Government of Bombay to the Government of Mysore.

6. Recovery of outstanding contributions and dues.—The right to recover contributions and other dues under the Act which become payable before the appointed day, in respect of any land, shall belong to the existing Board or the new Board constituted for the Karnataka area according as that land is situated on the appointed day within the territory of the Bombay State or the Mysore State.

7. Residuary provision.—The benefit or burden of any assets or liabilities of the existing Board not dealt with in the foregoing provisions shall.—

(a) if the assets are situated, or the liability arises, in the Karnataka area pass to the new Board constituted for that area;

(b) in any other case, continue to be the assets or liabilities of the existing Board.

8. Legal proceedings.—Where the existing Board is a party to any proceedings which are pending on the appointed day in any court or tribunal in the State of Mysore, the new Board constituted for the Karnataka area shall be deemed to be substituted as a party, and the proceedings continued accordingly.

9. Adaptations and modifications in the Act.—As from the appointed day, the Act shall, until altered, repealed or amended by the Competent Legislature of the State, have effect subject to the modifications specified in the Schedule hereto annexed.

THE SCHEDULE

(See paragraph 9)

THE BOMBAY KHAR LANDS ACT, 1948

(Bom. Act LXXII of 1948)

1. For sub-section (2) of section 1, the following sub-section shall be substituted, namely:—

"(2) It extends to the territories which immediately before the 1st day of November, 1956, were comprised in the State of Bombay, excluding the territory transferred to the new State of Rajasthan under section 10 of the States Reorganisation Act, 1956 (37 of 1956).".

2. In section 2,—

(i) in clause (a), for the words "the Khar Lands Development Board", the words "either of the Khar Lands Development Boards" shall be substituted;

(ii) after clause (a), the following clause shall be inserted, namely:—

"(aa) "Bombay area" means the territories which immediately before the 1st November, 1956 were comprised in the State of Bombay excluding the Karnataka area and the territory transferred to the new State of Rajasthan under section 10 of the States Reorganisation Act, 1956 (37 of 1956).";

(iii) for clause (b), the following clause shall be substituted, namely:—

"(b) "Chairman" means the Chairman of the Board or where the Board consists of one member only, that member;"

(iv) after clause (c), the following clause shall be inserted, namely:—

"(c) "Karnatak area" means the Bijapur, Dharwar and Kanara districts, and the Belgaum district except the Chandgad taluka transferred from the former State of Bombay to the new State of Mysore."

3. After section 2, the following section shall be inserted, namely:—

"2A. *Construction of certain references in the Act.*—In the application of the provisions of this Act to the Karnatak area, any reference therein to any expression mentioned in column 1 of the Table below shall be construed as a reference to the corresponding expression mentioned in column 2 of the said Table.

TABLE

1	2
State Government or Government, Board,	Government of the State of Mysore.
Official Gazette,	Official Gazette of the Mysore Government.
Bombay Land Revenue Code, 1879 or Code.	Bombay Land Revenue Code, 1879 as in force in the Karnatak area."

4. For section 3, the following section shall be substituted, namely:—

"3 (1) *Establishment of Khar Land Development Boards.*—The State Governments of Bombay and Mysore shall establish a Khar Lands Development Board for the Bombay area and the Karnatak area respectively.

(2) The Board for the Bombay area shall consist of a Chairman and twelve other members as follows:—

- (i) the Secretary to the Government of Bombay, Revenue Department, *ex-officio*;
- (ii) the Secretary to the Government of Bombay, Agriculture and Forests Department; *ex-officio*;
- (iii) the Director of Agriculture, Bombay State; *ex-officio*;
- (iv) the Chief Engineer, Public Works Department (Irrigation); *ex-officio*;
- (v) eight members nominated by the State Government two each representing the Tnana and Kolaba districts and one each representing the Broach, Surat and Ratnagiri districts and one representing the Ahmedabad and Amreli districts and Cambay taluka of Kaira district.

(3) The Chairman of the Said Board shall be appointed by the State Government of Bombay and shall hold office for three years from the date of his appointment.

(4) The Board for the Karnatak area shall consist of one member appointed by the State Government of Mysore.

(5) The names of members appointed or nominated under this section shall be published in the Official Gazette.

(6) Until a Board for the Bombay area is established in accordance with the provisions of sub-section (2), the existing Board functioning and operating immediately before the commencement of the Bombay Khar Lands Development Board (Reconstitution) Order, 1959, shall be deemed to be the Board for the purposes of this Act for the area; and on the constitution of the Board under sub-section (2).—

- (a) the existing Board shall stand dissolved;
- (b) all properties, funds and dues which are vested in, or realisable by, the existing Board shall vest in, and be realisable by, the Board so constituted; and
- (c) all liabilities which were enforceable against the existing Board shall be enforceable against the Board so constituted."

5. In section 4.—
 - (a) in sub-section (1), the proviso shall be omitted;
 - (b) in sub-section (2), in clause (c), for the words "State of Bombay" the word "State" shall be substituted.
6. In section 6, for the words "Development Board", the words "Development Board for" shall be substituted.
7. Section 8 shall be omitted.
8. In section 32, after the words "by the Chairman", the words "or where the Board consists of one member only, the budget shall be prepared by that member" shall be inserted.
9. In sub-section (2) of section 31, the following words shall be added at the end, namely :—
"or where the Board consists of one member only, by that member."
10. In section 44, after the words "Secretary of the Board", the words "or where the Board consists of one member only, that member", shall be inserted.

[No. 8/9/58-SR(R)-1]

HARI SHARMA, Addl. Secy.